

REMARKS

This Amendment responds to the Office Action dated August 25, 2009, which rejected all pending claims, claims 1-23. Claim 1-6 and 17-23 stand rejected under 35 USC 103(a) as unpatentable over US 2003/0064758 to Mizuta et al. ("Mizuta") in view of US 2002/0006815 to Finke-Anlauff ("Finke-Anlauff") in view of US 6,839,101 to Shima ("Shima"). Claims 7-11 and 13-16 stand rejected under 35 USC 103(a) as unpatentable over Mizuta in view of Finke-Anlauff. In response, Applicant has amended independent claims 1, 7, 15 and added new dependent claim 24 and new independent claim 25. For the reasons provided below, pending claims 1-25 are distinguishable and hence allowable over the prior art of record.

Independent claims 1, 7 and 15 have been amended to emphasize the following distinctions between the cited prior and those claims. First, those claims are amended to recite that the auxiliary operation section is disposed on a side of the portable terminal unit relative to the main display section. In other words, the auxiliary section is always disposed on the side of the portable terminal unit, regardless of whether the portable terminal is in the closed state or the opened state. Second, those claims are amended to recite that the main display section has a single display face.

As amended, the claims now recite features that clearly distinguish pending claims 1-23 over the cited prior art. Those features are:

- (a) the auxiliary operation section is disposed on the side of the portable terminal unit relative the display face of the main display section;
- (b) the auxiliary operation section is operative only in the closed state to information displayed on the main display;
- (c) the auxiliary operation section is inoperative in the opened state; and

(d) the main display section has a single display face.

None of the references, alone or in combination, disclose or suggest all of those features. First, Mizuta fails because the section (207), which the Examiner identifies as the auxiliary operation section, is not disposed on the side of the device relative to the main display section (202). And, as acknowledged by the Examiner, there is no disclosure or suggestion in Mizuta that section (207) is rendered inoperative as required by the claims. For those reasons, section (207) is not the same as the auxiliary operation section of the amended independent claims.

Finke-Anlauff also fails because the auxiliary operation section, which the Examiner describes as the keypad 9 in Fig. 2, is not disposed on the side of the device relative to the display section. Paragraph [0019] of Finke-Anlauff explains that the keypad 9 is positioned on a rear side of the folding panel 6 such that the keypad 9 can only be used when panel 6 is in the closed position and the device is operating strictly in communication mode. Finke-Anlauff explains further the keypad 9 can be locked by the telephone keypad lock 18. Although Finke-Anlauff discloses a keypad that is made inoperative when the device is not in the closed position, the keypad of Finke-Anlauff, which is not on a side of the device relative to the display section, does not correspond to the auxiliary operation section of the amended independent claims.

Finally, Shima fails because it describes a special display that is viewable from both the front surface and the rear surface thereof. For example, the operation section that can be disposed in an inner side when the portable terminal is in a closed state is operable to the front surface of the display section, and the operation section that is disposed on the side is operable to the rear surface of the display section. This special display does not correspond to the main display section having a single display face of the amended independent claims. In other words,

Shima fails to disclose the main display section or the auxiliary operation section of amended independent claims. Further, Shima fails to disclose the limitation “wherein, in the opened state, said auxiliary operation section is inoperative” as required by the pending claims.

As described above, all references fail to render obvious the claimed auxiliary operation section of the amended independent claims. Furthermore, Shima fails to disclose the main display section having a single display. And, even if the all the cited prior art references are combined, the present invention as described in the amended independent claims is not obtained. Therefore, the prior art cannot and does not render the claimed invention obvious.

Dependent claim 24, which depends from independent claim 1, is allowable over the cited prior art for the same reasons that claim 1 is allowable. Moreover, Applicant notes that dependent claim 24 substantially corresponds to a claim that has already passed substantive examination in Applicant’s corresponding Chinese patent application (CN Patent Number 200310104445.6).

Furthermore, new independent claim 25 is allowable for the same reasons claims 1-23 are allowable as explained above. Moreover, Applicant notes that claim 25 substantially corresponds to a claim that has already passed substantive examination in Applicant’s corresponding Japanese patent application (JP Patent Number 3961397).

Moreover, the prior art fails to suggest or disclose the advantages of having the auxiliary operation section disposed on the side with respect to the display section. According to the amended independent claims, when the portable terminal unit is in an opened state, it is possible to prevent the user from error-operation. And, when the portable terminal unit is in a closed state, it is easy for the user to operate the portable terminal while grabbing the portable

terminal unit. And, the auxiliary operation section is not an obstacle to an open-close operation of the portable terminal unit.

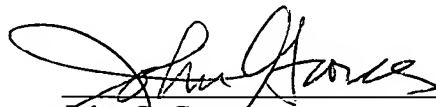
For the reasons set forth above, Applicant respectfully submits that this patent application, as amended, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

The Examiner is urged to telephone Applicant's undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely.

Kindly charge any additional fee, including extension fees, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-0059.

Respectfully submitted,

Date: January 5, 2010



John C. Garces
Reg. No. 40,616
Schulte Roth & Zabel, LLP
919 Third Avenue
New York, NY 10022
Tel.: (212) 756-2215